

Application No. 10/757,874  
Amdt. dated October 28, 2005  
Reply to Office Action dated August 23, 2005

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claim 1 (currently amended): A sandal comprising:

a sole comprising (a) a lower sole, (b) a flexible upper sole, and (c) a plurality of unamalgamated beads disposed between the upper sole and the lower sole, wherein the beads are retained between the upper sole and the lower sole by air-permeable structures that constantly permit the permeation of air from the immediate vicinity of the sandal into the beads, and wherein the beads always remain free to shift around in response to changes in pressure that occur during ordinary walking; and

at least one strap connected to the sole and configured to secure the sole to the bottom of a user's foot.

Claim 2 (currently amended): The sandal of claim 1, wherein the beads that are disposed between the upper sole and the lower sole are enclosed in a thin and flexible air-permeable inner bag, the bag being disposed between the upper sole and the lower sole.

Claim 3 (original): The sandal of claim 1, wherein the upper sole is made of fabric.

Claim 4 (original): The sandal of claim 1, wherein the upper sole is made of stretch jersey fabric.

Claim 5 (original): The sandal of claim 1, wherein the beads are roughly spherical expanded thermoplastic beads.

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Claim 6 (original): The sandal of claim 1, wherein the beads are roughly spherical expanded polystyrene beads having an average diameter between about two thirds and about one mm, and wherein the plurality of beads comprises at least ten thousand beads.

Claim 7 (currently amended): The sandal of claim 6, wherein the upper sole is made of a lightweight air-permeable fabric.

Claim 8 (currently amended): The sandal of claim 7, wherein the beads that are disposed between the upper sole and the lower sole are enclosed in an inner bag made of a lightweight air-permeable fabric, the bag being disposed between the upper sole and the lower sole.

Claim 9 (original): The sandal of claim 1, wherein the at least one strap is stuffed with unamalgamated, roughly spherical, expanded thermoplastic beads.

Claim 10 (original): The sandal of claim 1, wherein the at least one strap is stuffed with unamalgamated, roughly spherical, expanded polystyrene beads having an average diameter between about two thirds and about one mm.

Claim 11 (currently amended): A shoe comprising:  
a sole comprising (a) a lower sole, (b) a flexible upper sole, and (c) a plurality of unamalgamated small beads disposed between the upper sole and the lower sole, wherein the beads are retained between the upper sole and the lower sole by air-permeable structures that constantly permit the permeation of air from the immediate vicinity of the shoe into the beads, and wherein the beads always remain free to shift around in response to changes in pressure that occur during ordinary walking; and  
an upper connected to the sole and configured to secure the sole to the bottom of a user's foot.

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Claim 12 (currently amended): The shoe of claim 11, wherein the beads that are disposed between the upper sole and the lower sole are enclosed in a thin and flexible air-permeable inner bag, the bag being disposed between the upper sole and the lower sole.

Claim 13 (original): The shoe of claim 11, wherein the upper sole is made of fabric.

Claim 14 (original): The shoe of claim 11, wherein the upper sole is made of cotton jersey stretch knit fabric.

Claim 15 (original): The shoe of claim 11, wherein the beads are roughly spherical expanded thermoplastic beads.

Claim 16 (original): The shoe of claim 11, wherein the beads are roughly spherical expanded polystyrene beads having an average diameter between about two thirds and about one mm, and wherein the plurality of beads comprises at least ten thousand beads.

Claim 17 (currently amended): The shoe of claim 16, wherein the upper sole is made of a lightweight air-permeable fabric.

Claim 18 (currently amended): The shoe of claim 17, wherein the beads that are disposed between the upper sole and the lower sole are enclosed in an inner bag made of a lightweight air-permeable fabric, the bag being disposed between the upper sole and the lower sole.

Claim 19 (currently amended): An article of footwear comprising:  
a lower sole having an upper surface;  
sidewalls having an inner surface, wherein the sidewalls are connected to the lower sole so as to form a recess that is bounded by the inner surface of the sidewalls and the upper surface of the lower sole;  
a plurality of unamalgamated small beads disposed in the recess; and

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a thin and flexible upper sole disposed on top of the beads and arranged to retain the beads within the recess, ~~and~~

wherein the beads ~~are~~ always remain free to shift around within the recess when pressure is applied to the beads through the upper sole, and wherein the permeation of air from the immediate vicinity of the footwear into the beads is always unimpeded.

Claim 20 (original): The article of footwear of claim 19, wherein:

- (a) the recess occupies an area that is at least half as large as the area of the upper sole,
- (b) at least one part of the recess is at least one about one quarter inch deep, and
- (c) the plurality of beads comprises at least ten thousand beads.

Claim 21 (original): The article of footwear of claim 20, wherein the beads are roughly spherical expanded polystyrene beads having an average diameter between about two thirds and about one mm.

Claim 22 (currently amended): The article of footwear of claim 21, wherein the beads are enclosed in a bag made of a lightweight air-permeable fabric, and the flexible upper sole retains the beads within the recess by retaining the bag within the recess.

Claim 23 (original): The article of footwear of claim 21, further comprising at least one strap connected to at least one of the lower sole, the sidewalls, and the upper sole, wherein the at least one strap is adapted to hold the upper sole against the bottom of a user's foot.

Claim 24 (original): The article of footwear of claim 21, further comprising an upper connected to at least one of the lower sole, the sidewalls, and the upper sole, wherein the upper is adapted to hold the upper sole against the bottom of a user's foot.

Claim 25 (original): The article of footwear of claim 19, wherein the beads are roughly spherical expanded thermoplastic beads.

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Claim 26 (original): The article of footwear of claim 19, wherein the beads are roughly spherical expanded polystyrene beads having an average diameter between about two thirds and about one mm, and wherein the volume of beads includes at least ten thousand beads.

Claim 27 (currently amended): An article of footwear comprising:  
a volume of unamalgamated small beads;  
a lower sole disposed beneath the volume of beads; and  
a flexible covering disposed above the volume of beads,  
wherein the beads are retained between the lower sole and the flexible covering, wherein the permeation of air from the immediate vicinity of the footwear into the beads is always unimpeded, wherein the beads always remain free to shift around when pressure is applied to the beads through the flexible covering, and wherein, when the article of footwear is worn by a person that is standing or walking, the volume of beads bears at least some of the weight of the person.

Claim 28 (currently amended): The article of footwear of claim 27, wherein the beads are enclosed in a thin and flexible air-permeable inner bag, the bag being disposed between the lower sole and the flexible covering.

Claim 29 (original): The article of footwear of claim 27, wherein the beads are roughly spherical expanded thermoplastic beads.

Claim 30 (original): The article of footwear of claim 27, wherein the beads are roughly spherical expanded polystyrene beads having an average diameter between about two thirds and about one mm, and wherein the volume of beads includes at least ten thousand beads.